

Application Serial Number: 10/581,730
 March 22, 2009

CERTIFICATE OF HAND DELIVERY
 I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, DC 20231 on March 25, 2009.
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Dr. O. M (Sam) Zaghmout

Signature Sam Zaghmout
 Attachments: Response (2 pages).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Trevor Doug Anthony SCHWASS

Application Serial Number: 10/581,730

Filing Date: June 6, 2006

Title: Material discharge apparatus and method

Examiner: BAINBRIDGE, ANDREW PHILIP

Group Art Unit: 3754

Confirmation Number: 8700

Client Reference Number: DSH007

Mail Stop: Patent Application (Response to restriction requirements)

Date: March 22, 2009

RESPONSE TO RESTRICTION REQUIREMENTS

Honorable Commissioner for Patents
 P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir,

In response to the Restriction Requirements mailed February 25, 2009, applicant provisionally elects, with traverse, the claims of Group I (Claims 20-29). Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks herein, is respectfully requested.

The Restriction Requirement is traversed on the basis that the Restriction requirements are optional in all cases. M.P.E.P. § 803. If the search and the examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of another patent application (a divisional application) in order to have

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protection for the claimed subject matter. For instance, due to the relatedness of the claims in Group I and Group II can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner. The Applicant would like to bring to the attention of the Examiner that claims in Groups I and II are classified in the same classes and subclasses according to the USPTO classification system (e.g., see U.S. Class: 222/058; 222/181.2; 222/162; 222/504; 222/559).

Thus, the restriction requirement is properly traversed. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested. Applicant reserves the right to file a divisional application at a later stage for prosecuting the claims of Group II.

Applicant respectfully requests favorable consideration of the present application and a timely examination of the pending claims.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

By: Sam Zagmout

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